



ATTORNEY DOCKET NO.: 038134-5005

PATENT

THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Suzie HWANG PUN, et al.

Application No.: 10/021,312

Filed: December 19, 2001

Group Art Unit: 1632

Examiner: Unassigned

For: COMPOSITIONS CONTAINING INCLUSION COMPLEXES

Commissioner of Patents

**BOX MISSING PARTS**

Washington, D.C. 20231

**RESPONSE TO NOTICE TO FILE MISSING PARTS**

1. This replies to the Notice to File Missing Parts of Nonprovisional Application mailed April 1, 2002.

A copy of the Notice To File Missing Parts Of Nonprovisional Application is enclosed.

2. Declaration Or Oath

☒ No declaration or oath was filed. Enclosed is the original Combined Declaration and Power of Attorney.

1. Applicants note that one co-inventor **Hector GONZALEZ**, did not complete the address and citizenship information on the Declaration and Power of Attorney. To provide this information, Applicants are submitting an Initial Application Data Sheet with this information for all inventors.

2. In this is not acceptable Applicants will submit a Supplemental Declaration.

☐ The specification attached to the declaration is a copy of the specification and any amendments thereto which were filed in the PTO to obtain the filing date.

☐ The declaration or oath which was filed was determined to be defective. A new original Combined Declaration and Power of Attorney is attached.

3. English Translation of Non-English Language Papers

☐ Submitted herewith is a verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the PTO.

Also enclosed is the Verification of Translation Document.

07/22/2002 BAERHA1 00000081 500310 10021312  
06 FC:116 400.00 CH

4. Small Entity Status

☐ Small entity status under 37 C.F.R. § 1.27 is asserted for the present application.

5. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

☒ Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

Total months requested	Fee for extension	[fee for Small Entity]
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input checked="" type="checkbox"/> <b>two months</b>	<b>\$ 400.00</b>	\$200.00
<input type="checkbox"/> three months	\$ 920.00	\$460.00
<input type="checkbox"/> four months	\$1,440.00	\$720.00
<input type="checkbox"/> five months	\$1,960.00	\$980.00

Extension of time fee due with this request: **\$400.00**

If an additional extension of time is required, please consider this a Petition therefor.

☐ Applicants believe that no extension of time is required. However, in the event applicant has inadvertently overlooked the need for a petition and fee for extension of time, applicants hereby petition for such an extension and requests that any fee therefor be charged to our Deposit Account No. 50-0310.

6. Assignment

☒ An assignment of the invention to California Institute of Technology and Insert Therapeutics, Inc and a PTO Form-1595, Recordation Form Cover Sheet, are enclosed.

7. Fee Calculation

Fee Calculation					Fee Code
Basic Fee				\$740.00	101/201
	Number Filed	Number Extra	at a Rate of (Lg./Sm.Entity)		
Total Claims	43 - 20 =	23	\$18/\$9 each=	\$414.00	103/203
Independent Claims	4 - 3 =	1	\$84/\$42 each=	\$84.00	101/202
Multiple dependent claim(s), if any			\$280/\$140	\$280.00	104/204
SUB-TOTAL =				\$1518.00	
Late Filing Surcharge Fee (37 C.F.R. § 1.16(e))			\$130/\$65	\$130.00	105/205
Extension Fee (37 C.F.R. § 1.17(a)(1)-(5))			\$110/\$55 (1 Month)		115/215
			\$400/\$200 (2 Months)		116/216
			\$920/\$460 (3 Months)		117/217
			\$1440/\$720 (4 Months)		118/218
			\$1960/\$980 (5 Months)	\$400.00	128/228
SUB-TOTAL =				\$2048.00	
Fee For Application Filed With A Non-English Specification (37 C.F.R. § 1.17(i) and § 1.52(d))			\$130.00	\$	139
Assignment Recordation Fee			\$ 40.00	\$40.00	581
TOTAL FILING FEE =				\$2088.00	

8. Fee Payment

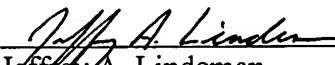
- ☒ Please charge Deposit Account No. 50-0310 in the amount of \$ 2088.00 representing the total fee due.
- ☒ **Except** for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §1.16 and §1.17 which may be required, or credit any overpayment to Deposit Account No. 50-0310.

9. Additional papers enclosed.

- ☐ Preliminary Amendment
- ☐ Submission of Formal Drawings with \_\_\_\_\_ sheets of drawings
- ☐ Claim for Priority
- ☐ Certified copy of priority document:
- ☐ Information Disclosure Statement
- ☐ Form PTO-1449, \*\* references as listed
- ☐ Declaration of Biological Deposit
- ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.
- ☐ Other: \_\_\_\_\_

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

  
\_\_\_\_\_  
Jeffrey A. Lindeman  
Reg. No. 34,658

Date: July 17, 2002

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## UNITED STATES PATENT AND TRADEMARK OFFICE

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WASHINGTON, D.C. 20231  
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/021,312	12/19/2001	Suzie Hwang Pun	038134-5005

CONFIRMATION NO. 9391

## FORMALITIES LETTER



\*OC000000007757470\*

09629  
MORGAN LEWIS & BOCKIUS LLP  
1111 PENNSYLVANIA AVENUE NW  
WASHINGTON, DC 20004

Date Mailed: 04/01/2002

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

07/22/2002 BABRAHA1 00000081 500310 10021312

FILED UNDER 37 CFR 1.53(b)

01 FC:101 740.00 CH  
02 FC:105 130.00 CH  
03 FC:103 414.00 CH  
04 FC:102 84.00 CH  
05 FC:104 280.00 CH

## Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 740 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$778.
  - \$414 for 23 total claims over 20.
  - \$84 for 1 independent claims over 3 .
  - \$280 for multiple dependent claim surcharge.
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 1648.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE